IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	Mina L. McKay, et al.	)
		) Before the
		) Board of
SERIAL NUMBER:	09/749,846	) Appeals
		)
FILED:	December, 27, 2000	)
		) Appeal No.
FOR:	METHOD AND SYSTEM FOR	)
	GATERHING AND DISSEMINATING	)
	QUALITY PERFORMANCE AND	)
	AUDIT ACTIVITY DATA IN AN	)
	EXTENDED ENTERPRISE	)
	ENVIRONMENT	)

Commissioner for Patents
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APPEAL BRIEF

This Appeal Brief is submitted in response to a Notice of Panel Decision mailed on September 26, 2006 and in response to a Notice of Non-Compliant Appeal Brief dated January 3, 2007.

THE REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines, Inc. Ownership by International Business Machines, Inc. is established by assignment document recorded for this application on April 18, 2001, on Reel 011729, Frame 0037.

RELATED APPEALS AND INTERFERENCES

Appellants know of no related patent applications or patents under appeal or interference proceeding.

STATUS OF CLAIMS

Claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 are pending. Claims 4,

5, 31, 32, 38, 44, 45, 71, 72, and 76 are cancelled. Claims 2, 3, 16-24, 26-30, 33-35, 42, 43, 56-64, 66-70, and 73-75 have been withdrawn. Claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 have been rejected under 35 U.S.C. § 103(a). The rejections of claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 under 35 U.S.C. 103(a) are herein appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to receipt of the final office action.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims 1, 25, 36, 41 and 65 involved in the appeal is provided below:

Claim 1

Claim 1 recites "[a] method for facilitating supplier auditing functions in a communications network environment."

The method comprising "receiving a request from a user system of an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise system" (page 10, lines 10-16; Figure 1; Figure 5; page 12, lines 26-29; page 13, lines 20-23).

The method also comprising "assigning an access level to a requester at the user system with respect to at least one database" (page 8, lines 15-21; page 9, lines 26-29).

The method also comprising "said enterprise system retrieving data from the at least one database, said data corresponding to said request" (Figure 1, databases 122-129; page 10, line 27 through page 11, line 8; Figures 4 and 5; page 15, lines 1-17).

The method also comprising "transmitting said data to said user system based upon the access level" (page 9, lines 21-29).

The method further comprising "wherein said scheduling said audit includes: entering supplier data relating to the trading partner into a schedule form" (page 10, line

27 through page 11, line 2; Figure 4, form 400; Figure 5).

Wherein said scheduling said audit further includes: "entering requester information into said schedule form" (Figure 4, element 404 of form 400; page 11, line 3).

Wherein said scheduling said audit further includes: "selecting an auditor to perform said audit" (Figure 4, element 406 of form 400; page 11, lines 3-4; page 13, lines 27-29).

Wherein said scheduling said audit further includes: "entering a purpose for said audit" (Figure 4, element 408 of form 400; page 11, line 4).

Wherein said scheduling said audit further includes: "entering a time frame for performing said audit" (Figure 4, element 402 of form 400; page 11, lines 2-3).

Wherein said scheduling said audit further includes: "distributing a completed schedule form to at least one entity" (page 13, lines 23-27).

Wherein "said enterprise system includes a quality information network application for executing activity options that include the activity requested by the user system" (Figure 1; page 5, lines 13-27; page 6, lines 6-13; page 6, line 29 through page 7, line 2).

Claim 25

Claim 25 recites "[a] method for facilitating supplier auditing functions in a communications network environment."

The method comprising "receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, the first enterprise system comprising a trading partner of the second enterprise system" (Website- page 6, lines 24-27; second enterprise system corresponds to organization 102 of Figure 1; first enterprise system/trading partner corresponds to element 150 of Figure 1 and page 9, lines 5-14).

The method also comprising "said second enterprise system authenticating a user ID and password of a user of said first enterprise system" (page 9, line 21 through page 10, line 1).

The method also comprising "receiving a request from the first enterprise system to initiate an activity, said activity including viewing results of an audit performed on the

trading partner by the second enterprise system" (Viewing results of audits – Figure 3, element 304; page 10, lines 12-26; page 9, lines 5-14).

The method further comprising "assigning an access level to the first enterprise system with respect to at least one database" (page 8, lines 15-21; page 9, lines 26-29).

The method also comprising "said second enterprise system retrieving data corresponding to said request from the at least one database, said data including results of the audit" (Figure 1, database 128).

The method further comprising "transmitting said data to said first enterprise system based upon the access level" (page 7, line 27 through page 8, line 11).

Wherein "said second enterprise system includes a quality information network application for executing activity options including the activity requested by the first enterprise system" (page 9, lines 5-11; Figure 1).

Claim 36

Claim 36 recites "[a] system for facilitating supplier auditing functions in a communications network environment" (Figure 1).

The system comprising "a host system including a web server, an applications server, and a database server" (Figure 1: host system 110, web server 104, applications server 106, database server 108).

The system also comprising "a data storage device in communication with said host system" (Figure 1: data storage device 118).

The system further comprising "quality information network software application being executed by said host system for implementing activities" (Figure 1; page 5, lines 13-27; page 6, lines 6-13; page 6, line 29 through page 7, line 2).

The system also comprising "a firewall in communication with said host system" (Figure 1: firewall 130).
The system further comprising "a workstation" (Figure 1: workstations 114/170).

The system also comprising "a computer network connecting the host system to the workstation" (Figure 1: Internet/LAN 112).

The quality information network software application performing "receiving a request from the workstation of an enterprise of the host system to initiate an activity,

said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise" (page 10, lines 10-16; Figure 1; Figure 5; page 12, lines 26-29; page 13, lines 20-23).

The quality information network software application further performing "assigning an access level to a requester at the workstation with respect to at least one database of the data storage device" (page 8, lines 15-21; page 9, lines 26-29).

The quality information network software application also performing "retrieving data from the at least one database, said data corresponding to said request" (Figure 1, databases 122-129; page 10, line 27 through page 11, line 8; Figures 4 and 5; page 15, lines 1-17).

The quality information network software application also performing "transmitting said data to said workstation based upon the access level" (page 9, lines 21-29).

Said scheduling said audit including "entering supplier data relating to the trading partner into a schedule form" (page 10, line 27 through page 11, line 2; Figure 4, form 400; Figure 5).

Said scheduling said audit including "entering requester information into said schedule form" (Figure 4, element 404 of form 400; page 11, line 3).

Said scheduling said audit including "selecting an auditor to perform said audit" (Figure 4, element 406 of form 400; page 11, lines 3-4; page 13, lines 27-29).

Said scheduling said audit including "entering a purpose for said audit" (Figure 4, element 408 of form 400; page 11, line 4).

Said scheduling said audit including "entering a time frame for performing said audit" (Figure 4, element 402 of form 400; page 11, lines 2-3).

Said scheduling said audit including "distributing a completed schedule form to at least one entity" (page 13, lines 23-27).

Claim 41

Claim 41 recites "[a] storage medium encoded with machine-readable computer program code for facilitating supplier auditing functions in a communications network environment, the storage medium including instructions for causing an enterprise system

to implement a method" (pages 15-16).

The method comprising "receiving a request from a user system associated with the enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise system" (page 10, lines 10-16; Figure 1; Figure 5; page 12, lines 26-29; page 13, lines 20-23).

The method further comprising "assigning an access level to a requester at the user system with respect to at least one database" (page 8, lines 15-21; page 9, lines 26-29).

The method also comprising "said enterprise system retrieving data from the at least one database, said data corresponding to said request" (Figure 1, databases 122-129; page 10, line 27 through page 11, line 8; Figures 4 and 5; page 15, lines 1-17).

The method further comprising "transmitting said data to said user system based upon the access level" (page 9, lines 21-29).

Said scheduling said audit including "entering supplier data relating to the trading partner into a schedule form" (page 10, line 27 through page 11, line 2; Figure 4, form 400; Figure 5).

Said scheduling said audit further including "entering requester information into said schedule form" (Figure 4, element 404 of form 400; page 11, line 3).

Said scheduling said audit further including "selecting an auditor to perform said audit" (Figure 4, element 406 of form 400; page 11, lines 3-4; page 13, lines 27-29).

Said scheduling said audit further including "entering a purpose for said audit" (Figure 4, element 408 of form 400; page 11, line 4).

Said scheduling said audit also including "entering a time frame for performing said audit" (Figure 4, element 402 of form 400; page 11, lines 2-3).

Said scheduling said audit further including "distributing a completed schedule form to at least one entity" (page 13, lines 23-27).

Said enterprise system includes "a quality information network application for executing activity options that includes the activity requested by the user system" (Figure 1; page 5, lines 13-27; page 6, lines 6-13; page 6, line 29 through page 7, line 2).

Claim 65

Claim 65 recites "[a] storage medium encoded with machine-readable computer program code for facilitating supplier auditing functions in a communications network environment, the storage medium including instructions for causing an enterprise system to implement a method" (pages 15-16).

The method comprising "receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, the first enterprise system including a trading partner of the second enterprise system" (Website- page 6, lines 24-27; second enterprise system corresponds to organization 102 of Figure 1; first enterprise system/trading partner corresponds to element 150 of Figure 1 and page 9, lines 5-14).

The method also comprising "said second enterprise system authenticating a user ID and password of a user of said first enterprise system" (page 9, line 21 through page 10, line 1).

The method further comprising "receiving a request from the first enterprise system to initiate an activity, said activity including reviewing results of an audit performed on the trading partner by the second enterprise" (Viewing results of audits – Figure 3, element 304; page 10, lines 12-26; page 9, lines 5-14).

The method further comprising "assigning an access level to a requester at the first enterprise system with respect to at least one database" (page 8, lines 15-21; page 9, lines 26-29).

The method also comprising "said second enterprise system retrieving data corresponding to said request from the at least one database, said data including the results of the audit" (Figure 1, database 128).

The method further comprising "transmitting said data to said first enterprise system based upon the access level" (page 7, line 27 through page 8, line 11).

Said "second enterprise system includes a quality information network application for executing activity options that includes the activity requested by the first enterprise system" (page 9, lines 5-11; Figure 1).

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in

any way limit the scope of these claims.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over McFarland in view of Bons et al. The rejections of claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 as being allegedly unpatentable over McFarland in view of Bons et al. are to be reviewed on appeal.

ARGUMENT

Claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over McFarland in view of Bons et al.

Claims 1, 36, and 41 recite a method, system, and storage medium, respectively, for facilitating supplier auditing functions in a communications network environment. With respect to claims 1, 36, and 41, the Examiner states that McFarland teaches most of the elements of the recited feature: "receiving a request from a user system of an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise system," citing Figures 1, 62, and 65; column 24, lines 20-30; column 25, lines 33-34; column 26, lines 5-15; and column 28, lines 28-30. The Examiner states that neither McFarland, nor Bons et al. discloses that the audit is being requested for an initial or ongoing qualification of an existing or prospective trading partner of the enterprise. The Examiner states that Bons discusses the importance of establishing trust between trading parties (Abstract) and describes a way to facilitate a speedy establishment of mutual trust through use of electronic agents to automatically check the trustworthiness of new trading partners (Abstract). The Examiner then states it would have been obvious to one or ordinary skill in the art to adapt McFarland to perform audits that are being requested for an initial or ongoing qualification of an existing or prospective trading partner of the enterprise in order to place McFarland's business users

in a more advantageous global position when it comes to establishing trusted relationships among various trading partners (Final Office Action, pages 6-7).

The Examiner's statements regarding motivation to combine McFarland and Bons et al. are in error. McFarland is strictly and entirely directed to an organization's ability to ensure and certify *its own compliance* with various standardized bodies (e.g., ISO). Any type of auditing activities managed by McFarland relate directly to *internal processes and policies*. McFarland's auditing activities are initiated and implemented entirely by the organization being audited. The auditor may be an internal auditor or a third party auditor; however, in either instance, the audit is scheduled by, and performed on, the organization that implements the auditing tool described in McFarland.

By contrast, the auditing activities conducted as recited in claims 1, 36, and 41 are initiated by a member of the enterprise implementing the auditing tool for the purpose of auditing a trading partner. The very auditing objectives sought to be accomplished by the auditing recited in claims 1, 36, and 41 serve substantially distinct purposes than those taught by McFarland; that is, McFarland seeks to ensure its' own compliance with standardized bodies, while the claimed auditing activities seek to audit an existing or prospective trading partner for the purpose of engaging in business activities or maintaining a business relationship, i.e., "for initial or ongoing qualification" as recited in the claims.

Moreover, Bons et al. is clearly irrelevant to the claimed invention. Bons et al. seeks to resolve the issue of whether electronic documents exchanged between businesses "provide the same trustworthiness as the paper documents" (Abstract). Bons et al. emphasizes that electronic exchanges of control information between business can reduce costs "provided that such exchanges can be performed in a secure fashion" (page 2, Section 2, fourth paragraph). The Bons et al. reference discusses auditing functions in the context of auditing electronic commerce-related activities, e.g., auditing "rules that check the trustworthiness of the procedure given the underlying contracts" (page 4, section 4, element [3]). Thus, McFarland is directed to a method and system for self-auditing to ensure its compliance with various standardized bodies, while Bons et al. is

directed to ensuring trustworthy electronic exchanges of information. Pursuant to 35 U.S.C. 103, there must be some suggestion in the references or in the art as a whole to combine the references. There is simply nothing in either of the references that implies or suggests any motivation to combine the strictly self-auditing process of McFarland with the secure electronic information exchange processes taught by Bons et al.

The Examiner states in the Final Office Action (page 7) that neither McFarland nor Bons et al. teaches that their system is integrated via a web site maintained by an enterprise system that authenticates a user's ID and password via a firewall or that communications network environment includes an extranet. In addition, the Examiner relies on Official Notice that it is old and well-known in the art of inter-enterprise communications to utilize a web site maintained by an enterprise system that authenticates a user's ID and password via firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations. The Examiner's use of Official Notice with respect to the integration of a system via a web site maintained by an enterprise system over a secure extranet is in error. In order to rely upon Official Notice without documentary evidence, the facts asserted should be well known and capable of instant and unquestionable demonstration as being well known. While such networks are ubiquitous today, at the time of the Appellant's invention (at least as early as the filing date of December 27, 2000), various secure network topologies were virtually unknown. Accordingly, the Appellant's submit that the Examiner's reliance upon Official Notice without documentary support is in error.

In addition, the Examiner states with respect to claims 1, 36, and 41 that McFarland teaches "wherein scheduling said audit includes: entering supplier data relating to the trading partner into a schedule form; entering requester information into said schedule form; selecting an auditor to perform said audit; entering a purpose for said audit; entering a time frame for performing said audit; and distributing a completed schedule form to at least one entity" (citing Figures 62-66; column 24, lines 20-30, column 26, lines 5-15 and 16-30; column 25, lines 33-34, and column 28, lines 28-30). The Examiner's statements that McFarland teaches "wherein scheduling said audit

includes: entering supplier data relating to the trading partner into a schedule form; entering requester information into said schedule form; selecting an auditor to perform said audit; entering a purpose for said audit; entering a time frame for performing said audit; and distributing a completed schedule form to at least one entity" are in error. The Examiner relies upon column 24, lines 25-30 and column 26, lines 16-30 as allegedly teaching "entering supplier data relating to the trading partner into a schedule form." In fact, this portion of McFarland teaches entering information about the audit, not the subject of the audit, e.g., audit dates, scope of audit, departmental management identification, noncompliance counts, observation counts, audit type, documents to collect for review, checklists to generate, and corrective actions to validate." Thus, there is nothing to suggest in McFarland that information about the subject of the audit (i.e., trading partner) is entered into the form. Likewise, column 26, lines 16-30 merely teach that an eligibility or qualification determination of the internal auditor is made. Again, McFarland is silent as to entering information about the subject of the audit but rather provides information relating to the auditor.

In addition, the Examiner relies upon column 24, lines 20-30; column 25, lines 33-34; column 26, lines 5-15; and column 28, lines 28-30 as allegedly teaching "distributing a completed schedule form to at least one entity." However, these portions do not explicitly disclose any type of distribution of a completed schedule form. Column 24, lines 20-30 disclose various forms are accessible from the audit form. Column 25, lines 33-34 provide that an operator can retrieve an audit schedule. Column 26, lines 5-15 provide for entering data in fields, and column 28, lines 28-30 reference automatic production of audit schedules. There is nothing in McFarland to suggest that completed schedule forms are *distributed to an entity*.

For at least the reasons presented above, claims 1, 36, and 41 patentably define over McFarland in view of Bons et al.

Claims 25 and 65 recite a method and storage medium, respectively, for facilitating supplier auditing functions in a communications network environment. With respect to claims 25 and 65, the Examiner states in the Final Office Action (page 7) that

neither McFarland nor Bons et al. teaches that their system is integrated via a web site maintained by an enterprise system that authenticates a user's ID and password via a firewall or that communications network environment includes an extranet. In addition, the Examiner relies on Official Notice that it is old and well-known in the art of inter-enterprise communications to utilize a web site maintained by an enterprise system that authenticates a user's ID and password via firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations. The Examiner's use of Official Notice with respect to the integration of a system via a web site maintained by an enterprise system over a secure extranet is in error. In order to rely upon Official Notice without documentary evidence, the facts asserted should be well known and capable of instant and unquestionable demonstration as being well known. While such networks are ubiquitous today, at the time of the Appellant's invention (at least as early as the filing date of December 27, 2000), various secure network topologies were virtually unknown. Accordingly, the Appellant's submit that the Examiner's reliance upon Official Notice without documentary support is in error.

Moreover, neither McFarland nor Bons et al., either alone or in combination, teach "receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, the first enterprise system comprising a trading partner of the second enterprise system; said second enterprise system authenticating a user ID and password of a user of said first enterprise system; receiving a request from the first enterprise system to initiate an activity, said activity including viewing results of an audit performed on the trading partner by the second enterprise system; assigning an access level to the first enterprise system with respect to at least one database; said second enterprise system retrieving data corresponding to said request from the at least one database, said data including results of the audit; and transmitting said data to said first enterprise system based upon the access level."

As indicated above with respect to claims 1, 36, and 41, the Examiner states that neither McFarland, nor Bons et al. discloses that the audit is being requested for an initial or ongoing qualification of an existing or prospective trading partner of the enterprise. Thus, it logically follows that neither McFarland nor Bons et al. teach "said activity

including ***viewing results of an audit performed on the trading partner by the second enterprise system***" as recited in claims 25 and 65. The Examiner states that Bons discusses the importance of establishing trust between trading parties (Abstract) and describes a way to facilitate a speedy establishment of mutual trust through use of electronic agents to automatically check the trustworthiness of new trading partners (Abstract). The Examiner then states it would have been obvious to one or ordinary skill in the art to adapt McFarland to perform audits that are being requested for an initial or ongoing qualification of an existing or prospective trading partner of the enterprise in order to place McFarland's business users in a more advantageous global position when it comes to establishing trusted relationships among various trading partners (Final Office Action, pages 6-7).

The Examiner's statements regarding motivation to combine McFarland and Bons et al. are in error. McFarland is strictly and entirely directed to an organization's ability to ensure and certify ***its own compliance*** with various standardized bodies (e.g., ISO). Any type of auditing activities managed by McFarland relate directly to ***internal processes and policies***. McFarland's auditing activities are initiated and implemented entirely by the organization being audited. The auditor may be an internal auditor or a third party auditor; however, in either instance, the audit is scheduled by, and performed on, the organization that implements the auditing tool described in McFarland.

By contrast, the auditing activities (i.e., viewing an audit) as recited in claims 25 and 65 are initiated by a member of the trading partner enterprise (i.e., first enterprise) for the purpose viewing an audit initiated by a second enterprise (i.e., the enterprise implementing the auditing method). The very auditing objectives sought to be accomplished by the auditing recited in claims 25 and 65 serve substantially distinct purposes than those taught by McFarland; that is, McFarland seeks to ensure its' own compliance with standardized bodies, while the claimed auditing activities seek to audit an existing or prospective trading partner for the purpose of engaging in business activities or maintaining a business relationship, i.e., "for initial or ongoing qualification" as recited in the claims.

Moreover, Bons et al. is clearly irrelevant to the claimed invention. Bons et al. seeks to resolve the issue of whether electronic documents exchanged between businesses "provide the same trustworthiness as the paper documents" (Abstract). Bons et al. emphasizes that electronic exchanges of control information between business can reduce costs "provided that such exchanges can be performed in a secure fashion" (page 2, Section 2, fourth paragraph). The Bons et al. reference discusses auditing functions in the context of auditing electronic commerce-related activities, e.g., auditing "rules that check the trustworthiness of the procedure given the underlying contracts" (page 4, section 4, element [3]). Thus, McFarland is directed to a method and system for self-auditing to ensure its compliance with various standardized bodies, while Bons et al. is directed to ensuring trustworthy electronic exchanges of information. Pursuant to 35 U.S.C. 103, there must be some suggestion in the references or in the art as a whole to combine the references. There is simply nothing in either of the references that implies or suggests any motivation to combine the strictly self-auditing process of McFarland with the secure electronic information exchange processes taught by Bons et al.

For at least the above reasons, claims 25 and 65 patentably define over McFarland in view of Bons et al.

Claims 6-15 depend from claim 1. Claims 37, 39, 40, and 77-82 depend from claim 36. Claims 42, 43, and 46-55 depend from claim 41. Claims 6-15, 37, 39, 40, 42, 43, 46-55, and 77-82 should be patentable as depending from what should be allowable independent claims.

Claims 6, 46, and 77 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 6, 46, and 77 recite, "wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list." The Examiner states that this feature is taught by McFarland, citing column 25, lines 4-34; and column 26, lines 5-15 in support. The statement by the Examiner that McFarland teaches, "wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list" is in error. As indicated above with respect to claims 1, 36, and 41, neither McFarland nor Bons et al., either alone or in combination, teach or

suggest distributing a completed schedule form to an entity. Thus, it logically follows that neither McFarland nor Bons et al. teach automatically distributing a completed schedule form via a distribution list. For at least this reason, claims 6, 46, and 77 patentably define over McFarland in view of Bons et al.

Claims 7, 47, and 78 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 7, 47, and 78 recite, "wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester." The Examiner states that this feature is taught by McFarland, citing column 25, lines 4-34; and column 26, lines 5-15 in support. The statement by the Examiner that McFarland teaches, "wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester" is in error. As indicated above with respect to claims 1, 36, and 41, neither McFarland nor Bons et al., either alone or in combination, teach or suggest distributing a completed schedule form to an entity. Thus, it logically follows that neither McFarland nor Bons et al. teach manually distributing said completed schedule form by said requester via a distribution list provided by said requester as suggested by the Examiner. For at least this reason, claims 7, 47, and 78 patentably define over McFarland in view of Bons et al.

Claims 8, 48 and 79 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 8, 48, and 79 recite, "wherein said requester is a divisional user comprising at least one of an engineer and developer of the enterprise system, the divisional user requesting an audit of a trading partner that corresponds with an engineering or developer group to which the divisional user belongs." The Examiner states that neither McFarland nor Bons et al. teach that the division user comprises at least one of an engineer and developer of the enterprise system, the divisional user requesting an audit of a trading partner that corresponds with an engineering or developer group to which the divisional user belongs. The Examiner relies upon Official Notice that it is old and well known in the art to audit a corresponding engineering or developer group of a trading partner. The Examiner states that it would have been obvious to one of

ordinary skill in the art to adapt the McFarland-Bons combination to allow for participation of a divisional user comprising at least one of an engineer and developer of the enterprise system, where the divisional user requests an audit of a trading partner (Final Office Action, page 8). The Examiner's reliance upon Official Notice in this instance is improper. It is unclear how the Examiner can maintain that it is old and well known in the art to audit a corresponding engineer or developer group of a trading partner, yet fail to produce a single prior art reference that teaches this claimed feature with respect to independent claims 1, 25, 36, 41, and 65. As indicated above with respect to claims 1, 36, and 41, the Examiner alleges that McFarland teaches the majority of features recited therein but fails to teach auditing of trading partners. It is conceded that Bons et al. does not teach auditing of trading partners. To suggest, therefore, that said auditing of trading partners is old and well known in the art at the time of Applicants' invention is contradictory to the arguments presented by the Examiner with respect to claims 1, 36, and 41.

Notwithstanding, the features recited in claims 8, 48, and 79 are neither taught, nor suggested, by McFarland and Bons et al., either alone or in combination. The Examiner relies upon column 26, lines 23-25 as allegedly teaching "said requester is a divisional user." This statement by the Examiner is in error. Rather, column 26, lines 23-25 simply provide that an operator enters "the name of the department involved in the audit." There is no indication or suggestion of any kind that the requester, or operator, is a divisional user. At most, McFarland teaches in column 26 that the name of the department subject to audit is entered but makes no reference to a divisional user as recited in claims 8, 48, and 79. For at least these reasons, claims 8, 48, and 79 patentably define over McFarland in view of Bons et al.

Claim 9, 49, and 80 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 9, 49, and 80 recite, "wherein said selecting said auditor by said requester includes selection criteria including: geographic location of site to be audited; auditing skills possessed by said auditor; a commodity subject to said audit; and auditor pre-qualification data." The Examiner relies upon column 25, lines 4-34 as allegedly teaching this feature. The statement by the Examiner that McFarland teaches,

"wherein said selecting said auditor by said requester includes selection criteria including: geographic location of site to be audited; auditing skills possessed by said auditor; a commodity subject to said audit; and auditor pre-qualification data" is in error. McFarland teaches in column 25, lines 4-34 internal auditor eligibility forms that offers "the ability to manage the internal auditor roster by functional area to ensure independence of responsibility for processes being audited." McFarland is devoid of teaching auditor selection criteria including geographic location, auditing skills, commodity subject to audit, and auditor pre-qualification data. For at least this reason, claims 9, 49, and 80 patentably define over McFarland in view of Bons et al.

Claims 10, 50, and 81 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 10, 50, and 81 recite, "automatically transmitting a notice to said auditor; receiving a response to the notice from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice." The Examiner relies upon column 26, lines 5-15 for allegedly teaching this feature. The Examiner's statement that McFarland teaches "automatically transmitting a notice to said auditor; receiving a response to the notice from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice" is in error. In particular, the Examiner states in the Final Office Action on page 9, "McFarland must notify an auditor to complete a scheduled audit in order to achieve actual completion of an audit (col. 26, lines 5-15). Since McFarland's communications are performed electronically, such a notification can be said to be automatic." In fact, there is no disclosure in McFarland that notifications are automatically sent to auditors. The Examiner appears to be reading features in to the McFarland reference that are not disclosed. It is clear and evident that notifications need not be automatic in order to be implemented. They simply need to be implemented. Thus, the Examiner's interpretation of McFarland with respect to claims 10, 50, and 81 appear to be no more than hindsight reconstruction in contravention of the provisions of 35 U.S.C. 103. Moreover, the Examiner relies on Official Notice for the recited feature "said response is either a confirmation notice or a rejection notice." Claims 10, 50, and 81 depend from claims 9, 49, and 80, respectively. Claims 10, 50, and 81 further define the auditor selection

criteria. The Examiner suggests that it is old and well known in the art of project management to allow a user to accept or reject a task. However, claims 10, 50, and 81 provide for an automated auditor selection criteria that includes responses indicating acceptance or rejection. The features of claims 10, 50, and 81 are not to be construed in a vacuum but as an extension of the features recited in claims 9, 49, and 80, from which claims 10, 50, and 81, respectively, depend. There is nothing in the McFarland or Bons references, or in the art as a whole, to suggest the auditor selection criteria including the features recited in claims 9, 10, 49, 50, 80 and 81. For at least these reasons, claims 10, 50, and 81 patentably define over McFarland in view of Bons et al.

Claims 11, 51, and 82 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 11, 51, and 82 recite, "wherein said requester initiates a second auditor selection, based upon receiving said rejection notice." The Examiner relies on Official Notice for this feature. Claims 11, 51, and 82 depend from claims 10, 50, and 81, which in turn depend from claims 9, 49, and 80, respectively. Claims 11, 51, and 82 further define the auditor selection criteria. The Examiner suggests that it is old and well known in the art of project management to allow a user to accept or reject a task and to select a back up person when a first person cannot perform a task. However, claims 11, 51, and 82 provide for an automated auditor selection criteria that includes initiating selection of a second auditor based upon receiving a rejection response. The features of claims 11, 51, and 82 are not to be construed in a vacuum but as an extension of the features recited in claims 10, 50, and 81 and claims 9, 49, and 80, from which claims 11, 51, and 82, respectively, depend. There is nothing in the McFarland or Bons references, or in the art as a whole, to suggest the auditor selection criteria including the features recited in claims 9, 10, 11, 49, 50, 51, 80, 81, and 82. For at least these reasons, claims 11, 51, and 82 patentably define over McFarland in view of Bons et al.

Claims 15 and 55 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 15 and 55 recite, "wherein said viewing said scheduled audit includes viewing by: trading partner; region; quarter by region by commodity; year by quarter; product category; requester; auditor; organization; and site

owner." The Examiner concedes that neither reference teaches these features. However, the Examiner again relies upon Official Notice stating that it is old and well known in the art to filter information for display based on user-specified filter conditions. The Examiner then asserts it would have been obvious to modify the McFarland-Bons combination to allow a user to specify various viewing conventions for audits, including those recited in claims 15 and 55. The Examiner's use of Official Notice with respect to the scheduled audit viewing activities is in error. In order to rely upon Official Notice without documentary evidence, the facts asserted should be well known and capable of instant and unquestionable demonstration as being well known. While such filtering techniques may have been operable at the time of the Applicants' invention, there is nothing in the references or in the art as a whole that suggests viewing scheduled audits according to trading partner, region, quarter by region by commodity, year by quarter, product category, requester, auditor, organization and site owner. Accordingly, the Appellants submit that the Examiner's reliance upon Official Notice without documentary support is in error. For at least these reasons, claims 15 and 55 patentably define over McFarland in view of Bons et al.

Claim 40 should also be allowable as setting forth patentable subject matter in and of itself. Claim 40 recites "wherein said computer network is an extranet." The Examiner relies upon Official Notice in the rejection. As indicated above with respect to claims 1, 36, and 41, the Examiner states that it is old and well-known in the art of inter-enterprise communications to utilize a web site maintained by an enterprise system that authenticates a user's ID and password via firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations. The Examiner's use of Official Notice with respect to the integration of a system via a web site maintained by an enterprise system over a secure extranet is in error. In order to rely upon Official Notice without documentary evidence, the facts asserted should be well known and capable of instant and unquestionable demonstration as being well known. While such networks are ubiquitous today, at the time of the Appellant's invention (at least as early as the filing date of December 27, 2000), various secure network topologies were virtually unknown. Accordingly, the Appellant's submit that the Examiner's reliance upon Official Notice

without documentary support is in error. For at least this reason, claim 40 patentably defines over McFarland in view of Bons et al.

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1-3, 6-15, 25, 36, 37, 39-41, 46-55, 65, and 77-82 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Appeal Brief, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Appellants' assignee.

Respectfully submitted,

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CLAIM APPENDIX

1. A method for facilitating supplier auditing functions in a communications network environment, comprising:

receiving a request from a user system of an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise system;

assigning an access level to a requester at the user system with respect to at least one database;

said enterprise system retrieving data from the at least one database, said data corresponding to said request; and

transmitting said data to said user system based upon the access level;

wherein said scheduling said audit includes:

entering supplier data relating to the trading partner into a schedule form;

entering requester information into said schedule form;

selecting an auditor to perform said audit;

entering a purpose for said audit;

entering a time frame for performing said audit; and

distributing a completed schedule form to at least one entity;

wherein further said enterprise system includes a quality information network application for executing activity options that include the activity requested by the user system.

2. The method of claim 1, wherein said activity includes assessing a supplier record for determining a need to schedule a supplier audit.

3. The method of claim 2, wherein said assessing said supplier record includes reviewing:

past audit activity;

date of last audit; and

results of past audits.

4-5. (canceled)

6.   The method of claim 1, wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list.

7.   The method of claim 1, wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester.

8.   The method of claim 1, wherein said requester is a divisional user comprising at least one of an engineer and developer of the enterprise system, the divisional user requesting an audit of a trading partner that corresponds with an engineering or developer group to which the divisional user belongs.

9.   The method of claim 1, wherein said selecting said auditor by said requester includes selection criteria including:

geographic location of site to be audited;

auditing skills possessed by said auditor;

a commodity subject to said audit; and

auditor pre-qualification data.

10.   The method of claim 9, further comprising:

automatically transmitting a notice to said auditor;

receiving a response to the notice from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice.

11. The method of claim 10, wherein said requester initiates a second auditor selection, based upon receiving said rejection notice.

12. The method of claim 1, wherein said entering said time frame for performing said audit includes:

    entering a date planned for said audit; and

    entering a quarter planned for said audit.

13. The method of claim 1, wherein said activity includes viewing a scheduled audit.

14. The method of claim 13, wherein said viewing said scheduled audit includes viewing by categories, said categories including:

    all audits;

    completed audits; and

    planned audits.

15. The method of claim 13, wherein said viewing said scheduled audit includes viewing by:

    trading partner;

    region;

    quarter by region by commodity;

    year by quarter;

    product category;

    requester;

    auditor;

    organization; and

    site owner.

16. The method of claim 1, wherein said activity includes providing audit reporting data by an auditor.

17. The method of claim 16, wherein said providing said audit reporting data includes:

providing audit test results;

providing audit analysis results;

providing data pertaining to deficiencies in meeting industry standards;

providing data pertaining to deficiencies in meeting government standards;

providing data pertaining to deficiencies in meeting proprietor-imposed standards;

attaching said audit reporting data to a corresponding audit schedule;

transmitting said audit reporting data and said corresponding audit schedule to a designated entity; and

proposing corrective actions.

18. The method of claim 17, wherein said transmitting said audit reporting data and said corresponding audit schedule is performed automatically by said quality information network application via a distribution list.

19. The method of claim 17, wherein said transmitting said audit reporting data and said corresponding audit schedule is performed manually by said auditor via a distribution list provided by said auditor.

20. The method of claim 1, wherein said activity includes viewing audit reports.

21. The method of claim 1, wherein said activity includes viewing training data.

22. The method of claim 21, wherein said training data includes:

lectures;

seminars;

classes; and

resource materials.

23.   The method of claim 1, wherein said activity includes viewing executive summary reports.

24.   The method of claim 1, wherein said activity includes viewing reference data, said reference data including:

industry standards;

government standards; and

proprietor-imposed standards.

25.   A method for facilitating supplier auditing functions in a communications network environment, comprising:

receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, the first enterprise system comprising a trading partner of the second enterprise system;

said second enterprise system authenticating a user ID and password of a user of said first enterprise system;

receiving a request from the first enterprise system to initiate an activity, said activity including viewing results of an audit performed on the trading partner by the second enterprise system;

assigning an access level to the first enterprise system with respect to at least one database;

said second enterprise system retrieving data corresponding to said request from the at least one database, said data including results of the audit; and

transmitting said data to said first enterprise system based upon the access level;

wherein said second enterprise system includes a quality information network application for executing activity options including the activity requested by the first enterprise system.

26.   The method of claim 25, further comprising:

replicating selected data fields of a database associated with said second enterprise system resulting from a request by said first enterprise to submit data into a supplier response form, said request associated with a first of said activity options;

providing access to said database;

displaying said supplier response form;

receiving response data from said first enterprise system, said response data provided in said supplier response form;

storing said response data in said database; and

associating said response data with an entity within said second enterprise system.

27.   The method of claim 26, wherein said entity is a division.

28.   The method of claim 26, wherein said entity is a commodity.

29.   The method of claim 26, further comprising:

receiving an attached text file with said response data.

30.   The method of claim 26 wherein said associating said response data with said entity includes:

sending a notification to said entity; and

making said response data available to said entity.

31-32. (canceled)

33.   The method of claim 25, wherein said first enterprise system is a supplier.

34.   The method of claim 25, wherein said first enterprise system is a contract manufacturer.

35.   The method of claim 25, wherein said first enterprise system is a trading partner.

36.	A system for facilitating supplier auditing functions in a communications network environment, comprising:

a host system including a web server, an applications server, and a database server;

a data storage device in communication with said host system;

quality information network software application being executed by said host system for implementing activities;

a firewall in communication with said host system;

a workstation; and

a computer network connecting the host system to the workstation; wherein the quality information network software application performs:

receiving a request from the workstation of an enterprise of the host system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise;

assigning an access level to a requester at the workstation with respect to at least one database of the data storage device;

retrieving data from the at least one database, said data corresponding to said request; and

transmitting said data to said workstation based upon the access level;

wherein said scheduling said audit includes:

entering supplier data relating to the trading partner into a schedule form;

entering requester information into said schedule form;

selecting an auditor to perform said audit;

entering a purpose for said audit;

entering a time frame for performing said audit; and

distributing a completed schedule form to at least one entity.

37.	The system of claim 36, wherein said data storage device includes:

a reference database;

an audit schedule database;

an audit reports database;

an executive summary database; and

a supplier quality performance database relating to the trading partner.

38.   (canceled)

39.   The system of claim 36, wherein said computer network is the Internet.

40.   The system of claim 36, wherein said computer network is an extranet.

41.   A storage medium encoded with machine-readable computer program code for facilitating supplier auditing functions in a communications network environment, the storage medium including instructions for causing an enterprise system to implement a method comprising:

receiving a request from a user system associated with the enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of an existing or prospective trading partner of the enterprise system;

assigning an access level to a requester at the user system with respect to at least one database;

said enterprise system retrieving data from the at least one database, said data corresponding to said request; and

transmitting said data to said user system based upon the access level;

wherein said scheduling said audit includes:

entering supplier data relating to the trading partner into a schedule form;

entering requester information into said schedule form;

selecting an auditor to perform said audit;

entering a purpose for said audit;

entering a time frame for performing said audit; and

distributing a completed schedule form to at least one entity;

wherein further said enterprise system includes a quality information network application for executing activity options that includes the activity requested by the user system.

42.   The storage medium of claim 41, wherein said activity includes assessing a supplier record for determining a need to schedule a supplier audit.

43.   The storage medium of claim 42, wherein said assessing said supplier record includes reviewing:
    past audit activity;
    date of last audit; and
    results of past audits.

44-45. (canceled)

46.   The storage medium of claim 41[5], wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list.

47.   The storage medium of claim 41[5], wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester.

48.   The storage medium of claim 41[5], wherein said requester is a divisional user comprising at least one of an engineer and developer of the enterprise system, the divisional user requesting an audit of a trading partner that corresponds with an engineering or developer group to which the divisional user belongs.

49.   The storage medium of claim 41[5], wherein said selecting said auditor by said requester includes selection criteria including:
    geographic location of site to be audited;

auditing skills possessed by said auditor;

a commodity subject to said audit; and

auditor pre-qualification data.

50.   The storage medium of claim 49, further comprising instructions for causing a computer to implement:

automatically transmitting a notice to said auditor;

receiving a response to the notice from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice.

51.   The storage medium of claim 50, wherein said requester initiates a second auditor selection, based upon receiving said rejection notice.

52.   The storage medium of claim 41[5], wherein said entering said time frame for performing said audit includes:

entering a date planned for said audit; and

entering a quarter planned for said audit.

53.   The storage medium of claim 41, wherein said activity includes viewing a scheduled audit.

54.   The storage medium of claim 53, wherein said viewing said scheduled audit includes viewing by categories, said categories including:

all audits;

completed audits; and

planned audits.

55.   The storage medium of claim 53, wherein said viewing said scheduled audit includes viewing by:

trading partner;

region;

quarter by region by commodity;

year by quarter;

product category;

requester;

auditor;

organization; and

site owner.

56.   The storage medium of claim 41, wherein said activity includes providing audit reporting data by an auditor.

57.   The storage medium of claim 56, wherein said providing said audit reporting data includes:

providing audit test results;

providing audit analysis results;

providing data pertaining to deficiencies in meeting industry standards;

providing data pertaining to deficiencies in meeting government standards;

providing data pertaining to deficiencies in meeting proprietor-imposed standards;

attaching said audit reporting data to a corresponding audit schedule;

transmitting said audit reporting data and said corresponding audit schedule to a designated entity; and

proposing corrective actions.

58.   The storage medium of claim 57, wherein said transmitting said audit reporting data and said corresponding audit schedule is performed automatically by said quality information network application via a distribution list.

59.   The storage medium of claim 57, wherein said transmitting said audit reporting data and said corresponding audit schedule is performed manually by said auditor via a distribution list provided by said auditor.

60.   The storage medium of claim 41, wherein said activity includes viewing audit reports.

61.   The storage medium of claim 41, wherein said activity includes viewing training data.

62.   The storage medium of claim 61, wherein said training data includes:
lectures;
seminars;
classes; and
resource materials.

63.   The storage medium of claim 41, wherein said activity includes viewing executive summary reports.

64.   The storage medium of claim 41, wherein said activity includes viewing reference data, said reference data including:
industry standards;
government standards; and
proprietor-imposed standards.

65.   A storage medium encoded with machine-readable computer program code for facilitating supplier auditing functions in a communications network environment, the storage medium including instructions for causing an enterprise system to implement a method comprising:
receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, the first enterprise system including a trading partner of the second enterprise system;
said second enterprise system authenticating a user ID and password of a user of said first enterprise system;
receiving a request from the first enterprise system to initiate an activity, said

activity including reviewing results of an audit performed on the trading partner by the second enterprise;

assigning an access level to a requester at the first enterprise system with respect to at least one database;

said second enterprise system retrieving data corresponding to said request from the at least one database, said data including the results of the audit; and

transmitting said data to said first enterprise system based upon the access level;

wherein said second enterprise system includes a quality information network application for executing activity options that includes the activity requested by the first enterprise system.

66.   The storage medium of claim 65, further comprising instructions for causing a computer to implement:

replicating selected data fields of a database associated with said second enterprise system resulting from a request by said first enterprise to submit data into a supplier response form, said request associated with a first of said activity options;

providing access to said database;

displaying said supplier response form;

receiving response data from said first enterprise system, said response data provided in said supplier response form;

storing said response data in said database; and

associating said response data with an entity within said second enterprise system.

67.   The storage medium of claim 66, wherein said entity is a division.

68.   The storage medium of claim 66, wherein said entity is a commodity.

69.   The storage medium of claim 66, further comprising instructions for causing a computer to implement:

receiving an attached text file with said response data.

70.   The storage medium of claim 66 wherein said associating said response data with said entity includes:

sending a notification to said entity; and

making said response data available to said entity.

71-72.   (canceled)

73.   The storage medium of claim 65, wherein said first enterprise system is a supplier.

74.   The storage medium of claim 65, wherein said first enterprise system is a contract manufacturer.

75.   The storage medium of claim 65, wherein said first enterprise system is a trading partner.

76.   (canceled)

77.   The system of claim 36, wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list.

78.   The system of claim 36, wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester.

79.   The system of claim 36, wherein said requester is a divisional user comprising at least one of an engineer and developer of the enterprise system, the divisional user requesting an audit of a trading partner that corresponds with an engineering or developer group to which the divisional user belongs.

80.   The system of claim 36 wherein said selecting said auditor by said requester includes selection criteria including:

geographic location of site to be audited;

auditing skills possessed by said auditor;

a commodity subject to said audit; and

auditor pre-qualification data.

81.   The system of claim 80, further comprising:

automatically transmitting a notice to said auditor;

receiving a response to the notice from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice.

82.   The system of claim 81, wherein said requester initiates a second auditor selection, based upon receiving said rejection notice.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None